

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Richard S. Stack et al.

International Appln. No. PCT/US2004/033007

International Filing Date: October 8, 2004

U.S. Application No.: 10/575,222

For: DEVICES AND METHODS FOR
RETAINING A GASTRO-
ESOPHAGEAL IMPLANT

Confirmation No.: 6928

Group Art Unit: Unknown

Examiner: Unknown

**RESPONSE TO NOTIFICATION OF
MISSING REQUIREMENTS UNDER 35
U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE
(DO/EO/US)**353 Sacramento Street, Suite 2200
San Francisco, CA 94111
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M/S PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

08/01/2007 GFREY1 00000067 PCT/US04/33007

01 FC:2617
02 FC:2255

Sir:

65.00 OP
1080.00 OP

This is a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed on December 27, 2006.

Enclosed herewith for filing are the following:

1. A properly signed Declaration and Power of Attorney for Patent Application from the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date;
2. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and
3. A check in the amount of \$1,145.00 is attached to cover the five-month extension fee of \$1,080.00 and \$65.00 for surcharge for providing the declaration later than the appropriate 32 months from the priority date.

Atty Docket No.: BARO-720

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 25, 2007.

STALLMAN & POLLOCK LLP

Dated: 07/25/2007

By:

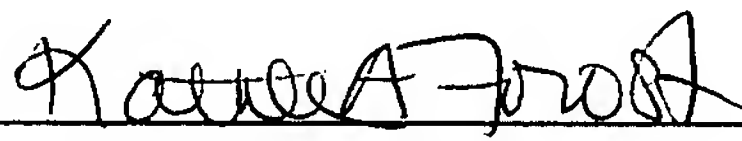
Tanisha Lawrence-Caceres

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1703. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: July 25, 2007

By: 
Kathleen A. Frost
Reg. No. 37,326

Attorneys for Applicant(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/575,222	Richard S. Stack	BARO720

INTERNATIONAL APPLICATION NO.

PCT/US04/33007

I.A. FILING DATE	PRIORITY DATE
10/08/2004	10/10/2003

CONFIRMATION NO. 6928

371 FORMALITIES LETTER



OC000000021678826

28584
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Date Mailed: 12/27/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/10/2006
- Copy of the International Search Report filed on 04/10/2006
- Preliminary Amendments filed on 04/10/2006
- U.S. Basic National Fees filed on 04/10/2006
- Priority Documents filed on 04/10/2006
- Specification filed on 04/10/2006
- Claims filed on 04/10/2006
- Abstracts filed on 04/10/2006
- Drawings filed on 04/10/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

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PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/575,222	PCT/US04/33007	BARO720